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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,941	03/31/2000	Allen J. Klein	300202	3193

7590

06/04/2003

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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 06/04/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-14

Office Action SummaryApplication No.
09/540,941Applicant(s)
KleinExaminer
Nasser AhmadArt Unit
1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 21, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

1. The request filed on December 29, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/540,941 is acceptable and a CPA has been established. An action on the CPA follows.
2. Applicant's arguments with respect to claims 1-15 and new claims 16-29 have been considered but are moot in view of the new ground(s) of rejection.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd (6,010,724).

Boyd relates to a wrapping system comprising a sheet member having removable adhesive on the lower surface with a pattern (abstract). The sheet material can be paper, foil, cellophane, polymer film, etc. (col. 2, lines 30-33). The sheet can have a barrier layer, like wax on one surface (col. 3, lines 34-37). The adhesive can be acrylic based (col. 3, lines 1-3).

The adhesive of Boyd and the instant claimed invention are both acrylic based and hence, would exhibit same properties, inherently, including remaining removable for at least 30 days and becoming non-removable thereafter and a peel strength as claimed.

The adhesive pattern stripes of adhesive are macroscopic as shown in the three areas of 16,17 and 18.

6. Claims 1-10 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Hill (5,806,181).

Boyd, as discussed above, fails to teach that the adhesive is in a regular and repeating pattern. Hill relates to a wrapping assembly wherein the adhesive is provided in a discrete pattern of spaced adhesive stripes (abstract and Fig. 3) to provide for facilitating detachability but not inadvertent detachability. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Hill's teaching of using repeating and regular striped pattern of adhesive in the invention of Boyd with the motivation to prevent inadvertent detachability.

Use of a release liner to cover the adhesive surface for protecting it from adverse conditions is well known and conventional in the adhesive art.

As for the adhesive being repositionable for at least one day and its peel strength, it would have been obvious based on optimization through routine experimentation.

7. Claims 11-15 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Hill.

Boyd and Hill, as discussed above, fails to teach that the adhesive pattern can be crisscrossed, checkered, scallop or reverse scallop. It would have been an obvious

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matter of design choice to modify Hill by providing said adhesive patterns to provide for aesthetic appeal.

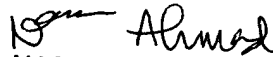
8. Any inquiry concerning this communication from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can generally be reached on Monday-Thursday from 7:30 a.m. to 5 p.m. and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

N. Ahmad/dh

May 27, 2003


NASSER AHMAD
PRIMARY EXAMINER